

BLANK ROME LLP  
Attorneys for Plaintiff  
THE SHIPPING CORPORATION OF INDIA LTD.  
Jeremy J.O. Harwood (JH 9012)  
405 Lexington Avenue  
The Chrysler Building  
New York, NY 10174  
(212) 885-5000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE SHIPPING CORPORATION OF INDIA  
LTD.,

Plaintiff,

-against-

JALDHI OVERSEAS PTE LTD.,

Defendant.

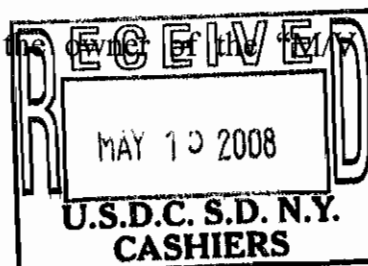
08 Civ. 4328 (JSR)

**AMENDED VERIFIED COMPLAINT**

Plaintiff, THE SHIPPING CORPORATION OF INDIA LTD. ("Plaintiff") by its attorneys Blank Rome LLP, complaining of the above-named Defendant JALDHI OVERSEAS PTE LTD. ("Defendant"), alleges upon information and belief as follows:

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has subject matter jurisdiction. This action is also brought pursuant to 9 U.S.C. § 8 in respect of a London arbitration.

2. At all material times, Plaintiff was and now is a foreign company organized and existing under the laws of India and the owner of the "M/V Rishikeshi" (the "Vessel").



3. At all material times, Defendant was and now is a corporation organized and existing under the laws of Singapore.

**THE BASIC FACTS**

4. Plaintiff, pursuant to a charter party dated March 12, 2008 (the "Charter") chartered the Vessel to Defendant.

5. Plaintiff had issued a hire statement dated May 2, 2008 showing the amounts due and owing in the sum of \$3,608,445, attached as Exhibit 1 to the accompanying Rule B affidavit.

6. Defendant failed to any pay hire as required by the Charter and amounts owing for bunkers (fuel oil).

7. On or about May 7, 2008 Defendant paid a first hire installment of \$1,260,585.

8. Since the date of the filing of the original complaint on May 7, 2008 a fourth hire statement, dated May 13, 2008 was issued which credits the prior payment and shows a balance owing of \$3,503,610. A true copy is Exhibit 2 hereto.

9. On or about May 14, 2008 Plaintiff's counsel was advised by email by counsel for garnishee banks that the amount originally sought to be attached of \$4,816,218 has been attached at various banks. A true copy of the communication is Exhibit 3 hereto.

10. The purpose of this amendment is to include the amounts claimed in the May 13, 2008 invoice as sums sought to be attached and to credit the payment on or

about May 7, 2008, thereby reducing the sum sought to be attached or that has been attached by \$126,970, as set out below.

11. The Charter is subject to English law and London arbitration. This action is filed without prejudice to such right of arbitration.

**COUNT I**

**RULE B RELIEF**

12. Plaintiff repeats paragraphs 1 through 11 as if fully set forth herein.

13. Plaintiff seeks issuance of process of maritime attachment so that it may obtain security for its claim including its English attorneys' fees and arbitrators' fees.

A. On the principal claim	\$3,503,510
B. Interest on Claim at 7% over 3 years:	\$ 735,737
C. Estimated lawyers and arbitrators' fees and costs	<u>\$ 450,000</u>
<b>TOTAL:</b>	<b>\$4,689,247</b>

14. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Rule B"), but is believed to have, or will have during the pendency of this action, assets in this jurisdiction.

**WHEREFORE**, Plaintiff prays:

A. That process in due form of law issue against Defendant, citing it to appear and answer under oath all and singular the matters alleged in the Verified Complaint;

B. That since Defendant cannot be found within this District pursuant to Rule B, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B attaching all of Defendant tangible or intangible property or any other funds held by any garnishee, which are due and owing to

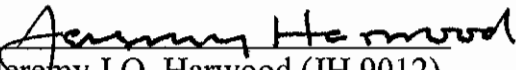
Defendant up to the amount of \$4,816,218 to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and, pursuant to Rule B, answer the matters alleged in the Verified Complaint;

C. That this Court retain jurisdiction over this matter through the entry of a judgment or award associated with the pending claims including appeals thereof.

D. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: New York, NY  
May 14, 2008

Respectfully submitted,  
BLANK ROME LLP  
Attorneys for Plaintiff

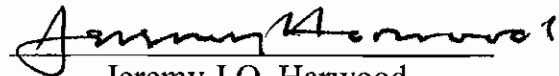
By   
Jeremy J.O. Harwood (JH 9012)  
405 Lexington Avenue  
New York, NY 10174  
Tel.: (212) 885-5000

**VERIFICATION**

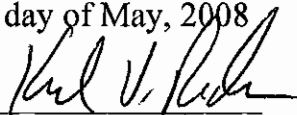
STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK    )

Jeremy J.O. Harwood, being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome LLP, attorneys for Plaintiff.
2. I have read the foregoing Complaint and I believe the contents thereof are true.
3. The reason this Verification is made by deponent and not by Plaintiff is that Plaintiff is a foreign corporation, no officer or director of which is within this jurisdiction.
4. The sources of my information and belief are documents provided to me and statements made to me by representatives of Plaintiff.

  
Jeremy J.O. Harwood

Sworn to before me this  
14th day of May, 2008

  
Notary Public

KARL V. REDA  
Notary Public, State of New York  
No. 30-4783126, Qual. in Nassau Cty.  
Certificate Filed in New York County  
Commission Expires *Nov. 30, 2009*

# **EXHIBIT 1**



(भारत सरकार का उपक्रम)

बल्क कैरियर ऐंड टैंकर प्रभाग, 250, सुदाम कालू अहिरे मार्ग, वरली, मुंबई - 400 025.

**The Shipping Corporation Of India Ltd.**

(A Government of India Undertaking)

BULK CARRIER &amp; TANKER DIVISION

Phone : 2493 7484 / 2493 7473

250, Sudam Kahu Ahire Marg, Worli, Mumbai - 400 025.

Telex No.: 011 - 76458 / 76459 / 76492 / 71647

Cable : TLX - 76458 SHIPINDIA, Worli, Mumbai

Fax : 0091-22-2493 7474 / 2497 3560 / 2493 5642

TO  
M/S JALDHI OVERSEAS PTE. LTD.  
SINGAPORE

THROUGH: M/S GLOBUS MARINE  
FAX # 0124 - 4159201

FLWG. FOR CHRTRS. M/S JALDHI

ENCLOSED PL FIND OWNERS PFHS INDICATING AMOUNT US\$ 3608445.00 DUE FM CHRTRS.  
CHRTRS. REQUESTED TO CONFIRM SAME AND ARRANGE REMIT BALANCE (. ) PL ADVISE  
REMITTANCE DETAILS. ENABLE US TRACE FUNDS (. )

M.V. RISHIKESH/ JALDHI C.P. DT. 12.03.2008  
DEBIT NOTE FOR 3RD HIRE

BC/4758

DATE : 02-May-08

SNO.	PARTICULARS	AMT. IN USD	
		DEBIT	CREDIT
1	GROSS HIRE		
	FROM : 29-Mar-08 01:30 Z		
	TO : 13-May-08 01:30 Z		
	I.E. DAYS 45.000000 @ USD 80000.00	3600000.00	
2	3.75% AD. COMMISSION		135000.00
3	ESTIMATED CONSUMABLE BUNKERS UPTO S'PORE		
	IFO(MT) 185.500 * US\$ = 490.000	90895.00	
	MDO(MT) 55.000 * US\$ = 920.000	50600.00	
4	C/W/E @ USD 1300/- PMPR	1950.00	
5	AMOUNT RECEIVED USD		0.00
6	BALANCE DUE TO OWNERS		3608445.00
7	TOTAL	3743445.00	3743445.00

E.&amp;O.E.

कृते भारतीय नौवहन निगम लिमिटेड  
For THE SHIPPING CORPORATION OF INDIA LTD.

*R Kamath*  
रीधीमा कामत/RIDHIMA KAMAT  
वरिष्ठ प्रबन्धक/Sr. Manager

पंजीकृत कार्यालय: शिपिंग हाउस, 245, मैडम कामा रोड, मुम्बई - 400 021.

Registered Office : Shipping House, 245, Madame Cama Road, Mumbai - 400 021.

## **EXHIBIT 2**





(भारत सरकार का उपक्रम)

बल्क कैरियर एंड टैंकर प्रभाग, 250, सुदाम कालू अहिरे मार्ग, वरली, मुंबई - 400 025.

**The Shipping Corporation Of India Ltd.**(A Government of India Undertaking)  
BULK CARRIER & TANKER DIVISION  
Phone : 2493 7484 / 2493 7473250, Sudam Kalu Ahire Marg, Worli, Mumbai - 400 025.  
Telex No.: 011 - 76458 / 76459 / 76492 / 71547  
Cable : TLX - 76458 SHIPINDIA, Worli, Mumbai  
Fax : 0091-22-2493 7474 / 2497 3560 / 2493 5642

BY FAX

M/S JALDHI OVERSEAS PTE LTD.,  
SINGAPORE

THRU M/S GLOBUS MARINE - FAX NO. 0124 4159201

FLWG FOR CHRTS M/S JALDHI

ENCLOSED PLS FIND OWNERS NEXT CHARTER HIRE INVOICE (INCLUDING THE UNPAID HIRE)  
INDICATING AMT US\$ 3503510/- DUE FROM CHARTERERS.  
CHARTERERS ARE REQUESTED TO CONFIRM SAME AND ARRANGE REMIT BALANCE.  
PLS ADVISE REMITTANCE DETAILS ENABLE US TRACE FUNDS.**DEBIT NOTE**

13-May-08

M.V.RISHIKESH / JALDHI C/P DTD.12.03.2008DEBIT NOTE FOR 4TH HIRE

BCM/58

SR NO	PARTICULARS				OWNERS	CHARTERERS
					US\$	US\$
1	CHARTER PERIOD					
	FROM	29-Mar-08	1:30 Z			
	TO	28-May-08	1:30 Z			
	I.E. DAYS	60.00				
	NET HIRE	60.00 DAYS @ US\$	80000.00		4800000.00	
2	ESTIMATED CONSUMABLE BUNKERS UPTO S'PORE					
	IFO (MT)	185.50	US\$/PMT	490.00	90895.00	
	MDO (MT)	55.00	US\$/PMT	920.00	50600.00	
3	AD COMM 3.75%					180000.00
3	C/VIE/	US\$	1300.00	PMPR	2600.00	
4	AMT RECEIVED ON 07.05.2008					1260585.00
5	BALANCE DUE TO SCI					3503510.00
					4944095.00	4944095.00

E. &amp; O.E.

कुते भारतीय नौचरण निगम लिमिटेड  
For THE SHIPPING CORPORATION OF INDIA LTD.जलेश स. नौ. / Lankesh M. G.  
वरिएड मॅनेजर / Senior Manager

पंजीकृत कार्यालय : शिपिंग हाऊस, 245, मैडम कामा रोड, मुम्बई - 400 021.

Registered Office : Shipping House, 245, Madame Cama Road, Mumbai - 400 021.

## **EXHIBIT 3**

**Harwood, Jeremy J.O.**

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**From:** Kenneth Manyin [KManyin@rawle.com]  
**Sent:** Wednesday, May 14, 2008 2:17 PM  
**To:** Harwood, Jeremy J.O.  
**Cc:** Mitchell, Neal; Carl Buchholz; Kevin McGee; Lilian Philiposian  
**Subject:** RE: THE SHIPPING CORPORATION OF INDIA, LTD. V. JALDHI OVERSEAS PTE. LTD, SDNY 08-4328 (BNY574)

Not a problem. We'll advise the bank accordingly.

- Ken

-----Original Message-----

**From:** Harwood, Jeremy J.O. [mailto:jharwood@BlankRome.com]  
**Sent:** Wednesday, May 14, 2008 1:58 PM  
**To:** Kenneth Manyin  
**Cc:** Mitchell, Neal; Carl Buchholz; Kevin McGee; Lilian Philiposian  
**Subject:** RE: THE SHIPPING CORPORATION OF INDIA, LTD. V. JALDHI OVERSEAS PTE. LTD, SDNY 08-4328 (BNY574)

We agree to that proposal - thanks for doing the calculations for us - we have not been advised of attachments other than by you . Neal please now do a cease and desist for all future attachments , many thanks all

**Jeremy J.O. Harwood | Blank Rome LLP**  
The Chrysler Building, 405 Lexington Avenue | New York, NY 10174-0208  
Phone: 212.885.5149 | Fax: 917.332.3720 | Email: [JHarwood@BlankRome.com](mailto:JHarwood@BlankRome.com)

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**From:** Kenneth Manyin [mailto:KManyin@rawle.com]  
**Sent:** Wednesday, May 14, 2008 1:55 PM  
**To:** Harwood, Jeremy J.O.  
**Cc:** Mitchell, Neal; Carl Buchholz; Kevin McGee; Lilian Philiposian  
**Subject:** RE: THE SHIPPING CORPORATION OF INDIA, LTD. V. JALDHI OVERSEAS PTE. LTD, SDNY 08-4328 (BNY574)

In lieu of directing restraint of all of these funds, with subsequent release, please consider this proposal.

As of now, we are aware that you have restrained \$2,377,533.90 and \$282,726.35, for a total of \$2,660,260.20.

The Ex Parte Order allows for the restraint of up to \$4,816,218.00. If you have not restrained any funds other than the \$2,660,260.20, then you are entitled to restrain up to another \$2,155,957.80.

This amount can be satisfied by restraining the wires for \$1,399,960.00 + \$449,960.00 + \$269,363.72 as well as \$36,674.18 of the wire for \$93,861.10. In such case the entire sum of the wire for \$999,960.00 can be released and transferred according to the original bank instructions, as can \$57,186.12 of the wire for \$93,861.10.

5/14/2008

This proposal assumes that you have not restrained any funds besides those from the two wires at Bank of New York Mellon referred to above.

Please let us know if you are in agreement with this proposal, or if you have an alternative request.

-----Original Message-----

**From:** Harwood, Jeremy J.O. [mailto:jharwood@BlankRome.com]

**Sent:** Wednesday, May 14, 2008 1:32 PM

**To:** Kenneth Manyin

**Cc:** Mitchell, Neal; Carl Buchholz; Kevin McGee; Lilian Philiposian

**Subject:** RE: THE SHIPPING CORPORATION OF INDIA, LTD. V. JALDHI OVERSEAS PTE. LTD, SDNY 08-4328 (BNY574)

Yes - for now - it looks like we are over-secured so will get back to you on the sum to release shortly

**Jeremy J.O. Harwood | Blank Rome LLP**

The Chrysler Building, 405 Lexington Avenue | New York, NY 10174-0208

Phone: 212.885.5149 | Fax: 917.332.3720 | Email: [JHarwood@BlankRome.com](mailto:JHarwood@BlankRome.com)

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**From:** Kenneth Manyin [mailto:KManyin@rawle.com]

**Sent:** Wednesday, May 14, 2008 1:14 PM

**To:** Harwood, Jeremy J.O.

**Cc:** Mitchell, Neal; Carl Buchholz; Kevin McGee; Lilian Philiposian

**Subject:** THE SHIPPING CORPORATION OF INDIA, LTD. V. JALDHI OVERSEAS PTE. LTD, SDNY 08-4328 (BNY574)

Jeremy,

Please be advised that five wires have come through the Bank of New York Mellon today. In all but one instance, with the exception being noted below, the funds are being transferred to Jaldhi Overseas PTE Limited, 101 Cecil Street, No. 08-06, Tong Eng Building, Singapore. The wires are as follows:

1. \$ 269,363.72
2. \$ 999,960.00
3. \$ 449,960.00
4. \$1,399,960.00
5. \$ 93,861.10 (reference to the Tong Eng Building was omitted from the address for Jaldhi)

Kindly advise whether any of these funds should be restrained pursuant to the Writ of Maritime Attachment served on the bank by you in the above referenced matter.

Very truly yours,

Kenneth R. Manyin, Esquire  
RAWLE & HENDERSON, LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107

(215) 575-4216

\*\*\*\*\*

This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, is prohibited and may be unlawful.

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5/14/2008

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK )

RENEE KINTZER, being duly sworn, deposes and says: I am not a party to the above-referenced action and am over 21 years of age.

On May 15, 2008, I caused the Amended Verified Complaint to be served by placing a true copy of same, enclosed in a postpaid wrapper and depositing same in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York to the following party:

Rahul Wanchoo, Esq.  
Law Offices of Rahul Wanchoo  
350 Fifth Avenue, 59th Floor  
New York, NY 10118

  
Renee Kintzer

Sworn to before me this  
15th day of May, 2008

  
NOTARY PUBLIC

KARL V. REDA  
Notary Public, State of New York  
No. 30-4783126, Qual. in Nassau Cty.  
Certificate Filed in New York County  
Commission Expires

NOV-30, 2009